

REMARKS

By this amendment, claims 1-16, 18, 20 and 22-34 are pending, in which claims 17, 19 and 21 are canceled without prejudice or disclaimer, and claims 1, 15, 16, 18, 20, 22, 26 and 29 are currently amended. Care was exercised to avoid the introduction of new matter.

The Office Action mailed December 22, 2004 rejected claims 1-35 under 35 U.S.C. § 102 based on *Gelman et al.* (US 6,415,329).

Applicants have amended the Specification and Drawings to correct discovered informalities.

Applicants acknowledge with appreciation the courtesy of a telephonic interview granted to Applicants' attorney on Mar. 18, 2005 at which time the subject invention was explained in light of Applicants' disclosure, the outstanding issues were discussed, and arguments substantially as hereinafter developed were presented. During the interview, Applicants explained that, in contrast to the claimed invention, *Gelman et al.* does not operate to provide any type of redundancy in the client gateway or the server gateway. However, no formal agreement was reached, pending the Examiner's detailed reconsideration of the application upon formal submission of a response to the outstanding Office Action.

In the interest of expediting prosecution, Applicants have amended independent claims 1, 15, 22 and 29. As amended, independent claims 1 and 29 recite "wherein the second platform serves as a **redundant platform** for the first platform." Claim 15 now recites "a processor coupled to the communication interface and configured to restart a spoofed connection **upon detection of a redundancy switch from a primary gateway.**" Amended claim 22 recites "means for restarting a spoofed connection **upon detection of the redundancy switch condition.**"

Independent claim 8 recites "a second platform configured to communicate with the remote platform **upon failure of the first platform** to communicate with the remote platform."


As argued during the Mar. 18, 2005 telephone interview, *Gelman et al.* discloses the use of a client gateway 222 and a server gateway 224 (FIG. 10) without any

mention of a redundant configuration. As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference, based on the foregoing, it is clear that *Gelman et al.* fails to anticipate independent claims 1, 8, 15, 22 and 29.

Additionally, dependent claims 2-7, 9-14, 16, 18, 20, 23-28 and 30-35 are allowable at least for the reasons put forth for the allowability of their corresponding independent claims. Further, these dependent claims are allowable on their own merits.

Therefore, the present application, as amended, overcomes the rejection of record and is in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

 3-22-2005

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Registration No. 41,254

THE DIRECTV GROUP, INC.
CUSTOMER NO. 20991



PATENT
Attorney Docket No: PD-201020
Customer No: 20991

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: John BORDER
Application No: 09/903,780
Filed: July 12, 2001
For: METHOD AND SYSTEM FOR IMPROVING
NETWORK PERFORMANCE ENHANCING
PROXY ARCHITECTURE WITH GATEWAY
REDUNDANCY

Art Unit: 2131
Examiner: Abrishamkar, K.

AMENDMENT TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☐ Petition for Extension of time is attached hereto. If an additional extension of time is required, please consider this a petition therefor.
- ☐ An extension for ___ months(s) has already been secured; the fee paid therefor of is deducted from the total fee due for the total months of extension now requested.
- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
- ☒ The fee for claims is calculated below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	32 -	35 =	0 x	\$ 50.00 =	\$ 0.00
INDEPENDENT CLAIMS	5 -	5 =	0 x	\$ 200.00 =	\$ 0.00
MULTIPLE DEPENDENT CLAIMS			N (Y/N)	\$ 360.00 =	\$ 0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					\$ 0.00

Please charge **\$0.00** to Deposit Account No. **50-0383**. Please charge any additional fees for claims or credit overpayment to Deposit Account No. 50-0383.

Respectfully submitted,

 3-22-2005

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THE DIRECTV GROUP, INC.
Customer No. 20991

AMENDMENT TO THE DRAWINGS

Please replace FIGs. 5, 8, 10, and 16 with the attached Replacement Sheets to correct discovered informalities.